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SERVICE DATE - FEBRUARY 6, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 187X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT EXEMPTION—  
IN BOONE AND DALLAS COUNTIES, IA

Decided: February 5, 2004

On January 13, 2003, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for the Iowa Natural Heritage Foundation (INHF), on behalf of the Boone and Dallas County Conservation Boards, the City of Perry, and the Iowa Trails Council, to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for approximately 12.2 miles of a line of railroad known as the Ankeny Subdivision, extending from milepost 341.1 near Slater to the end of the line at milepost 353.5 near Woodward (Equation  $346.4=346.6$ ) in Boone and Dallas Counties, IA. The negotiating period under the NITU was scheduled to expire on July 12, 2003, but was extended until February 10, 2004, by a decision served on August 15, 2003.

On February 2, 2004, INHF filed a request for an extension of the negotiating period until August 10, 2004. INHF states that it is continuing to negotiate with UP, but that more time is needed to finalize negotiations. By letter dated February 3, 2004, UP advised that it has received a request from INHF requesting an extension of the negotiating period for an additional 180 days. UP states that it supports the INHF's request and is willing to continue the negotiations.<sup>1</sup>

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment

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<sup>1</sup> The parties agree that UP may proceed to salvage the decking on the Des Moines River Bridge but that UP will leave the bridge piers in place. UP represents that maintaining the piers provides a means of re-establishing rail service on the line should the need arise.

of trails and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d).<sup>2</sup> Accordingly, the negotiating period will be extended to August 10, 2004.<sup>3</sup>

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The request to extend the NITU negotiating period is granted.
2. The NITU negotiating period is extended until August 10, 2004.
3. This decision is effective on the date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>2</sup> See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

<sup>3</sup> Although the request slightly exceeds the customary request of 180 days, the Board has granted such requests in the past. See, e.g., Southern Pacific Transportation Company–Abandonment Exemption–In Jackson, Victoria and Wharton Counties, TX, STB Docket No. AB-12 (Sub-No. 162X) (STB served May 29, 1996).